



## Lamoine Board of Selectmen

### Minutes of December 13, 2007

Acting chair Chris Tadema-Wielandt called the meeting to order at 7:07 PM.

Present were: Selectmen Cynthia Donaldson, Richard Fennelly Jr., Brett Jones, Chris Tadema-Wielandt; Administrative Assistant Stu Marckoon, Margaret DeLuca and Cable TV Tech Merle Bragdon.

**Agenda Review** – Stu said there were no additional items for the agenda, the information placed before the Selectmen was mainly for informational purposes only.

**Minutes** – Selectmen reviewed the minutes of the 3 previous meetings. There were no changes proposed for November 26, 2007. Richard asked about the dangerous building section in the November 29, 2007 minutes and a short discussion followed about communications with the building owner about rebuilding opportunities. Cynthia asked that firm figures be put in two places in the minutes and some minor changes in reference to school consolidation. Chris had faxed corrections to the 11/29/07 minutes and a sentence to add to the 12/2/07 notes.

Brett moved to approve the minutes of November 26, 2007 as presented. Richard 2<sup>nd</sup>. **Vote in favor was 3-0 (Donaldson abstained)**

Richard moved to approve the minutes of November 29, 2007 as corrected. Cynthia 2<sup>nd</sup>. **Vote in favor was 3-0 (Jones abstained)**

Chris moved to approve the minutes of December 2, 2007 as corrected. Richard 2<sup>nd</sup>. **Vote in favor was 3-0 (Jones abstained).**

**Expenditure Warrant 12** – Selectmen signed the warrant for \$184,894.82. Selectmen asked about bills for mowing (they were from October), reimbursements to firefighters, and the roof project.

**Cash & Budget Report** – Cynthia asked whether the town is retaining the Portable Classroom maintenance fund. Stu said that would be up to town meeting. There were questions about the salt sand shed fund, cable TV revenues, and whether interest on unpaid property taxes should be treated as budgeted revenue. Chris noted an incorrect date on the cash balance report.

**Demolition Debris Bills** – Chris suggested the unpaid bills could be added to the property tax. Stu said most of those owing long term bills are not property

owners, and to add an unpaid balance to the property tax would require a supplemental tax commitment. Selectmen discussed various collection methods. Stu said he would write a certified letter to those who've not paid their bills since 2006.

**Checking Account Reconciliation** – Selectmen signed a statement expressing satisfaction with the review of the checking account reconciliation.

**Foreclosure Notices** – Stu noted that he's received one payment from the 9 on the list of impending foreclosures. He said one person who owes two bills has been in touch and he expects a check soon. He said the rest of the delinquent taxpayers apparently have mortgages.

**Special Town Meeting – January 29, 2008** – Selectmen signed the following documents to order a special town meeting for January 29, 2008 to vote on a revised school bond for building renovation:

- Order for town meeting warrant to be generated
- Town meeting warrant for 1/29/08
- Public Hearing Notices for 1/7/08 and 1/22/08

Copies of the warrant, notice of public hearing and the order are on file with the Town Clerk.

**Bradford Auto** – Richard said the recently adopted policy in regard to complaints makes it pretty clear that if there is a concern it has to go through a formal process. He asked if anyone has filed a written complaint in the Bradford Auto case. Stu said the Planning Board generated the complaint. Richard said he read from Stu's bi-weekly report that the Planning Board did not want to characterize their letter as a formal complaint. He asked where the authority for the Selectmen to act is generated. Chris said he sees the letter from the Planning Board as a formal complaint.

Richard asked how the Planning Board became involved. Brett said Code Enforcement Officer Dennis Ford reported to the Planning Board that he'd received an inquiry/complaint and brought his findings to the Selectmen who chose not to act. Richard said the policy states the complaint needs to be in writing. Brett said the Planning Board established a 100-foot setback in 1995, and this effort is trying to close this out. He said how we got here is irrelevant. He said the vehicles have historically been displayed closer than the 100-foot setback, and now the cat's out of the bag.

Richard said a person has the right to know who their accuser is, and nobody seems to want to take ownership. He moved to dismiss any action until a formal complaint is properly lodged. Cynthia 2<sup>nd</sup> for discussion purposes. She said it seems like a legitimate technicality, and the Board should follow its own policy and make the complaint in writing. Richard said the policy clearly says the

complaint needs to be written on the town supplied form. Stu said the policy doesn't require that it be on the town supplied form, just that it be written and contain certain, specified items. Brett said the board could delay this and keep walking uphill, and if a complaint is needed, he would generate one. Richard said if it was Brett's intent to generate a complaint, then he would be willing to move forward with that business.

Brett said he disliked the Planning Board setting arbitrary rules. He said Bradford Auto clearly was not following the Planning Board's 100-foot setback requirement. Richard said there are extenuating circumstances. Brett said there is a violation to deal with and it's in everyone's best interest to deal with it. He said a consent agreement would give a very narrowly defined setback to Bradford.

Richard asked how the sideline setbacks made it into the draft consent agreement. Brett said items # 5 and # 7 in the draft agreement make no sense. Richard said he read from the minutes that 40-feet seemed to be OK with Selectman Jo Cooper. He asked why 50-feet was picked, and why 40-feet was another number used. He said if the parties can reach a consent agreement, the other matters in the setback section should be thrown out.

Brett said there are Shoreland Zoning issues. He said he supports removing the language referred to by Richard. He said it's in the best interest of the town and Bradford to have closure tonight. Richard said everyone seems to be of the same mind that it was unfortunate that this issue was raised. Margaret DeLuca said this was all very stressful.

Cynthia said she was stressed about communications. She said there was a dreadful job of communicating. She said the Planning Board was of the opinion that the consent agreement was a done deal. She said she thought the Selectmen were going to have some communication with the Planning Board. Richard said poor communication that goes back many years appears to be the heart of the problem. Ms. DeLuca said she did not get notification that this item would be discussed at the November 29<sup>th</sup> meeting, but did get a letter in regard to the November 8<sup>th</sup> meeting (which she referred to as the November 15<sup>th</sup> meeting). She said she wanted to discuss the items that were on the agenda for the meeting she didn't attend. Ms. DeLuca said had she known about the November 29<sup>th</sup> meeting, she would have attended.

Chris asked Ms. DeLuca if the co-owner of the business, Mr. Bradford, worked nights. Ms. DeLuca said he does. Chris asked if the Board should meet during the day. Ms. DeLuca said no, she said they never got a notice of the meeting.

Chris asked if the board was ready to vote on Richard's motion. Cynthia said to follow town policy, the complaint should be dismissed. Chris said the argument is that there was no formal complaint. He said he did not agree with that. He

said there is a letter from the Planning Board, and he didn't know what one would call that if not a complaint. He asked why CEO Ford went to the property. Brett said it was at the request of Jo. Chris said not having the Planning Board or the CEO present is a waste of time. Richard said if this is just postponing the inevitable he would withdraw his motion and make a different motion. He said the Board doesn't need to spend a lot of time on this. Richard withdrew the motion and the 2<sup>nd</sup> was withdrawn without objection.

*Richard moved to reach a consent agreement with Margaret DeLuca and Clifton Bradford to agree to a setback from the highway only, and to clarify a specific distance of 40-feet from the center of the highway.* Margaret said they have pulled back the cars 3-more feet from the previous measurement of 40-feet. Chris said the state requires 5,000 square feet for car sales. He said the Code Enforcement Officer should lay out the sales area. He said he would prefer to have the Planning Board, Code Enforcement Officer, and Board Chair Jo Cooper present. Brett said the town does need to know the Shoreland zoning restrictions. Richard said the CEO wanted Bradford to show the setback line. Ms. DeLuca said she was given documents at the last meeting, and produced another document from CEO Ford that said Bradford was in compliance with local ordinances in 2006. A copy was made for the file. *Brett 2<sup>nd</sup> Richard's motion.*

Cynthia asked what the agreement would entail. Richard said there should be no discussion of the side line and brook setback distances. Cynthia said she was comfortable with a 50-foot setback from the road center and would stick with it. Brett said he would also prefer 50-feet.

*Richard said he would withdraw his motion and restate it at 50-feet instead. The 2<sup>nd</sup> was withdrawn and restated without objection.* Ms. DeLuca said that would mean the vehicles would have to be displayed further back. Brett said the Board is just trying to draft an agreement at this point. Ms. DeLuca said Board Chair Cooper said she was comfortable with 40-feet last meeting and asked if she were here this meeting and said she was comfortable, would it pass at that distance. Richard said it would be hard to say. Ms. DeLuca said it would be difficult for them to set the cars back any further. She said they've pulled the cars back as far as they can.

Brett said he favored holding the Planning Board's 100-foot setback standard because it was a lawful requirement from the Planning Board and the Selectmen should be supportive of the Planning Board decisions. Ms. DeLuca said she was asking for consideration of a 40-foot setback. She said she didn't know how they could move the vehicles back further than they are currently. She said the vehicles are far enough back presently. Brett said he would hold to the 50-foot setback. He said there seems to be enough room to do that. Ms. DeLuca said the tow trucks they display are larger than they were when they built the garage.

Richard said the board needs to agree that they can reach a consent agreement. Brett 2<sup>nd</sup> the motion proposing a 50-foot setback.

Richard said if the town can reach a 50-foot agreement; it has reached out in compromise from the 100-foot setback imposed by the Planning Board. Ms. DeLuca asked if the final decision is to propose a 50-foot agreement. She asked if it could be 45-feet, saying they cannot move the vehicles further back. Cynthia said if Bradford cannot accept the proposal, they could come back to the board and show evidence why it would not work. She said the Board is trying to put forward a proposal to Bradford.

**Vote in favor of Richard's motion at 50-feet was 3-1 (Tadema-Wielandt opposed).**

Brett said other edits to the proposed consent agreement were in order. A lengthy discussion followed on the wording of the proposed consent agreement, whether there had been a formal complaint filed, and the history of the property.

Ms. DeLuca asked who was to say whether the vehicles cannot stay where they are. Brett said the present display is in violation of the 1995 order from the Planning Board. Ms. DeLuca asked why it took 11-years for someone to come forward. Chris said the Selectmen have passed a motion to propose a consent agreement with a 50-foot setback. He said it was up to Ms. DeLuca on how to react to that. Brett said this is part of the negotiation process. Chris said the Board would deal with the formal language of a consent agreement later.

Cynthia said there is a lot of history, and there is a need to talk with the Planning Board. She said there needs to be more caution in the words used. Further discussion followed on whether a complaint was properly made.

Ms. DeLuca asked that she be notified of the next step.

Stu asked if he understood correctly that the Selectmen wished to draft a new consent order and to meet with the CEO and Planning Board for a follow up on the process and this situation directly. The Selectmen indicated that was correct.

**Contract with Small Animal Clinic** – Chris asked if the SPCA was interested in this service. Stu said he e-mailed the SPCA and got a response that they were not able to provide sheltering service for strays at this time. Chris moved to approve the contract with the Small Animal Clinic. Cynthia 2<sup>nd</sup>. **Vote in favor was 4-0; the contract was signed by the Selectmen present.**

**Lease with Verizon Wireless** – Stu said he awaited a package for signatures. He said there might be some hold-up with title to the right of way. A brief discussion followed on the lease agreement.

**Government Mutual Aid Agreement** – Brett asked how this would work. Stu said it would be used in a dire circumstance, such as a town office staff being unable to function due to illness, and this would allow another town to provide municipal services, or conversely our town providing services to an affected town. Chris asked how far afield this might go. Stu said he doubted that Lamoine would end up providing services to many towns, more likely it would seek help. He said he was looking for a preliminary indication from the board whether they would like to enter such an agreement. There was no objection from the board.

**Town Hall Reconfiguration** – Stu said he'd not yet received anything from the designer. Brett said he had looked at the phone system specs, and he could provide the wiring labor for the system. Stu said he's looking for a number at this point for budget purposes.

**Lamoine Quarterly** – Stu said he'd like to get the quarterly published by January 7<sup>th</sup>.

**Transfer Station** – Stu noted that he's sent in the extra pickup schedule for the transfer station for the weekend after Christmas. He noted that Chuck Weber would be filling in for Allen Sternfield this weekend.

**School Consolidation** – Cynthia said she brought the plan that was submitted by Union 92 to remain intact, and it has now been posted to the website. Brett asked if anyone has heard back yet. Stu said he's been checking the state's website for any word and has not seen anything yet. Brett asked if the law required an explanation of why a plan might be rejected. Cynthia said she was unsure.

Richard said he saw in the news there was a town that was not planning to comply. A short discussion followed. Cynthia noted the State Education Department counted Union 92 as 7 administrative units so if the RSU plan submitted is approved, it would be considered a success. She said there would be just one school board for the Superintendent to deal with, and that's a big change. She said it struck her that if something were in place, the state would see that as a success.

**School Lot Lines** – Chris said he'd not done any more with that project. Richard said it should be easy to write language to break out the fire station from the school lot. There was a brief discussion about landmarks found during the site visit. Stu asked if this should go on the town meeting warrant. Richard said he thought so. A short discussion followed in regard to what type of document should be generated. Stu said he would draft an article.

**Other** – Stu noted there was a communication from Maine Municipal Association earlier today that the Legislature may delay implementation of the school budget validation process.

Chris asked about the fees charged by the Small Animal Clinic. Stu said it's a one time per animal charge.

There was a brief discussion about communication from the Maine DOT in regard to the radar trailer that town did not receive use of the previous year.

**Budget Workshop** – The Board entered a budget workshop and discussed the following items:

- Applying the proper CPI numbers to the salaries, including Code Enforcement and Transfer Station
- Firefighter personnel reimbursement
- Capital Projects
- Use of Surplus and Capital Improvement Funds (lengthy discussion)
- The town meeting warrant draft
- The capital improvement schedule (Selectmen wanted a new one printed).

**Executive Session** – There was a brief discussion on whether an executive session was needed to decide whether the Board desired to enter executive session with a particular employee. That employee was not present, no executive session was proposed.

There being no further business, the meeting adjourned at 9:25 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.